

REMARKS/ARGUMENTS

Applicants would like to thank the examiner for the careful consideration given the present application. By the present amendment, claims 1-6 and 8-39 remain in the application while claims 1-4, 8-16, 21-23, 25-27, 29, 30, and 36-39 are amended. Claim 7 is canceled without prejudice. Applicants respectfully request reconsideration and allowance.

The wording “framework” in claims 2 and 3 has been replaced by “subsystem”. The wording “subsystem” which replaces “framework” in claims 2 and 3 can be derived from the specification, for example, from the description of Fig. 1 (see pp. 13, line 13 to pp. 16, line 2).

Claim Rejections - 35 USC § 112

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claim 4 has been amended per the examiner’s comment. Thus, withdrawal of the rejection of claim 4 is respectfully requested.

Claim Rejections - 35 USC § 102

Claims 1, 4, 6-11, 14-22, and 29-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Minder *et al.* (WO 00/33511), hereinafter “Minder”. The rejection is respectfully traversed for at least the following reasons, although independent claims 1, 14, and 29 have been amended by incorporating the limitations of claim 7 to distinguish further the claimed subject matter from the reference.

Amended independent claims 1, 14, and 29, in part, explicitly require “the terminal collects QoS information from terminal’s running applications, reports the collected QoS information to the central controller, receives enforcement instructions from the central controller, and regulates a behaviour of the terminal according to metrics received through a communication module”. Minder fails to teach the above-mentioned limitations. Minder rather

discloses, particularly in connection with Fig. 3, that endpoints or routers can collect link parameters and device parameter measurements, make end-user QoS measurements and send appropriate reports to a service quality supervisor. However, Minder does not teach that an endpoint or a router, also referred to as terminal, can collect QoS information from terminal's running applications as set forth in amended claims 1, 14 and 29. In view of the differences between the claimed subject matter and the cited reference, applicants respectfully submit that claims 1, 14, and 29 are allowable over the reference, and withdrawal of the rejection is respectfully requested.

Claims 4, 6, 8-11, 15-22, and 30-36 depend from any one of independent claims 1, 14, and 29 and are, therefore, allowable for at least the reasons provided in support of the allowability of claims 1, 14, and 29.

Claim 7 has been canceled while its limitations have been incorporated into amended independent claims 1, 14, and 29.

Claim Rejections - 35 USC § 103

Claims 2, 3, 5, 12, 13, 23-28, and 27-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minder in view of Immonen *et al.* (US 2002/0132611), hereinafter “Immonen”.

Similar to the explanation made above, Immonen also fails to teach or suggest a terminal that collects QoS information from terminal's running applications as set forth in claims 1, 14, and 29, since Immonen does not directly relate to performing QoS monitoring, reporting, and enforcement.

Claims 2, 3, 5, 12, 13, 23-28, and 27-39 depend from any one of independent claims 1, 14, and 29 and are, therefore, allowable for at least the reasons provided in support of the allowability of claims 1, 14, and 29.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No.: NIHE-38824.

Respectfully submitted,
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